

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Team # 4	CCRB Case #: 201309275	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 09/27/2013 9:10 PM	Location of Incident: § 87(2)(b)	Precinct: 25	18 Mo. SOL 3/27/2015	EO SOL 3/27/2015	
Date/Time CV Reported Fri, 09/27/2013 11:40 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/03/2013 3:39 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Gerard Staples	24526	953443	025 PCT
2. POM Humberto Reyes	29730	953307	025 PCT
3. Officers			025 PCT
4. An officer			025 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Brendan Reilly	09343	952155	025 PCT
2. POF Carina Herrera	23623	952846	025 PCT
3. POF Jojaira Taveras	05437	952281	025 PCT
4. POM Jerry Rivera	31633	953316	025 PCT
5. POM Santiago Inoa	11409	951839	025 PCT
6. POM Luis Portero	13174	952125	025 PCT
7. POM Michael Lassen	16482	951899	025 PCT
8. SGT Donald Cambridge	02950	917366	025 PCT
9. CPT Zaheer Azeez	00000	905738	025 PCT
10. POM Kevin Garcia	04502	951758	025 PCT
11. POM Preno Morency	03904	952034	025 PCT
12. POM Michael Wren	19866	953579	025 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Gerard Staples	Force: PO Gerard Staples used physical force against § 87(2)(b)	
B.POM Humberto Reyes	Force: PO Humberto Reyes used physical force against § 87(2)(b)	
C. Officers	Force: Officers used physical force against § 87(2)(b)	
D. An officer	Force: An officer hit § 87(2)(b) against the ground and wall of § 87(2)(g) in Manhattan.	

Case Summary

This case was originally assigned to Investigator Andrew Guinan and was reassigned to Investigator Cassandra Fenkel on December 18, 2014, upon Investigator Guinan's departure from the agency.

On September 27, 2013, § 87(2)(b) filed the following complaint via telephone with the Internal Affairs Bureau, on behalf of her son, § 87(2)(b) did not witness the incident (encl. 5-11).

At approximately 09:11 p.m. on September 27, 2013, § 87(2)(b) walked outside and sat on the front stairs of his § 87(2)(b) apartment building, located at § 87(2)(b) in Manhattan. In his initial CCRB phone statement, § 87(2)(b) stated he observed officers repeatedly attempting to issue summonses to several males who were drinking alcohol in public in front of a building down the street from him (encl. 12). Upon sitting on his steps, § 87(2)(b) noticed his friend, § 87(2)(b) standing outside. § 87(2)(b) shook hands with § 87(2)(b) said "What's up?" and the two had no further conversation. § 87(2)(b) continued to sit on his steps while he browsed the internet on his iPhone with his head down. Approximately fifteen to twenty minutes after he arrived outside, § 87(2)(b) heard a voice ask, "Can I see your I.D.?" § 87(2)(b) looked up, and saw PO Gerard Staples and PO Jerry Rivera standing across from him. § 87(2)(b) remained seated and asked PO Staples, "Why do you want to see my I.D.? What could I possibly be doing wrong that you want to see my I.D.?" PO Staples asked § 87(2)(b) twice more to provide his identification, and § 87(2)(b) continued to ask why. § 87(2)(b) walked away from the scene as soon as PO Staples asked § 87(2)(b) for his identification (encl. 13-20).

Without saying anything, § 87(2)(b) stood up and reached towards his back right pocket of his jeans to retrieve his wallet and identification. As § 87(2)(b) stood up, PO Staples stated, "Come here," and allegedly grabbed § 87(2)(b) by the inside of the front pocket on his hooded sweatshirt and pulled him down the stairs (**Allegation A**). The pocket ripped as PO Staples pulled § 87(2)(b) down the stairs. § 87(2)(b) stumbled down the stairs, and PO Staples grabbed him by the waist so he could keep his balance. PO Staples then put his leg in front of § 87(2)(b)'s legs and twisted his own body, in order to turn § 87(2)(b) in nearly a complete circle and tripped him, causing him to fall onto the ground (**subsumed within Allegation A**). While on the ground, § 87(2)(b) felt multiple kicks and punches to his face and stomach (**Allegation B** and **Allegation C**). Officers handcuffed § 87(2)(b) and allegedly continued to kick and punch § 87(2)(b) after he was handcuffed (encl. 13-20).

An unidentified officer then allegedly lifted § 87(2)(b)'s head up off the floor by the back of his hood, and lifted § 87(2)(b)'s torso upwards while his stomach and legs remained flat on the ground. The officer then released the hood and gripped the back of § 87(2)(b)'s head, pushing it back into the ground (**Allegation D**). After the impact, § 87(2)(b) placed his tongue against the back of his teeth, and felt his right front tooth was missing. Immediately after § 87(2)(b)'s face was pushed to the ground, the officer allegedly lifted him up into a standing position, and pushed his face forcefully into the wall of § 87(2)(b)'s apartment building (**subsumed within Allegation D**). § 87(2)(b) was then placed into a police vehicle and transported to the 25th precinct stationhouse (encl. 13-20). § 87(2)(b) was arrested with a top charge of obstructing governmental administration in the second degree, along with resisting arrest and disorderly conduct (encl. 39-41).

Mediation, Civil, and Criminal Histories

- Due to the severity of § 87(2)(b)'s injuries, this complaint was ineligible for mediation.
- A Notice of Claim Inquiry was submitted to the NYC Comptroller's Office. Neither § 87(2)(b) nor § 87(2)(b) have filed a lawsuit against the city regarding this incident (encl. 124).
- On January 26, 2015, in a phone call with § 87(2)(b), § 87(2)(g), it was revealed that § 87(2)(b) filed a Notice of Claim with federal court, seeking full compensatory and punitive damages (encl. 145).
- § 87(2)(c), § 87(2)(b); § 86(1)(3)(4); § 87(2)(c)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3).
- This is the first complaint in which § 87(2)(b) is a victim and he has not filed any CCRB complaints (encl. 4).
- PO Staples has been a member of the NYPD for 2 years, and this is the first CCRB complaint against him (encl. 1).
- PO Reyes has been a member of the NYPD for 2 years, and this is the first CCRB complaint against him (encl. 2).

Witnesses Not Interviewed

- Despite contact attempts to § 87(2)(b) the CCRB has been unable to establish contact with him (encl. 125-145).
- In his CCRB testimony, § 87(2)(b) identified his friend § 87(2)(b) as a witness to the incident. However, § 87(2)(b) did not provide § 87(2)(b)'s last name, and did not have a phone number for him (encl. 21-27). In the absence of further information regarding § 87(2)(b)'s identity, the CCRB was unable to conduct relevant database searches for contact information.
- The CCRB obtained an unsworn phone statement from § 87(2)(b) on June 17, 2014 (encl. 31).

Potential Issues

- The CCRB has been unable to obtain incident related video footage allegedly held by § 87(2)(b) and § 87(2)(b). Between November 21, 2013 and January 13, 2015, eight calls have been placed to both § 87(2)(b) and § 87(2)(b) who have been unresponsive to the CCRB's requests for video footage. Additionally, two letters have been sent to both § 87(2)(b) and § 87(2)(b) and have not been returned to the CCRB by the U.S. Postal Service.

NYPD Documents

- **NYPD SPRINT:** The NYPD Sprint identified the responding officers as assigned to the 25th Precinct's Impact Response Team, specifically foot post 11. Additionally, the SPRINT identified that the Impact Response Team's captain, Zaheer Azeez, was prompted to respond to the location (encl. 115-116).
- **25th Precinct's Impact Roll Call:** The 25th Precinct's Impact roll call identified PO Gerard Staples as assigned to foot post 11. The roll call identified the following officers as assigned

to adjacent posts in the area, PO Jerry Rivera, PO Jojaira Tavernas, PO Kevin Garcia, PO Preno Morency, PO Humberto Reyes, and PO Michael Wren, all of whom were interviewed by the CCRB. Additionally, the roll call identified Sgt. Donald Cambridge, PO Michael Lassen, PO Santiago Iona, and PO Luis Portero as assigned to the sergeant's van (the only van out). PO Brendan Reilly and PO Carina Herrera were identified as the lieutenant's operator (encl. 117-118).

Explanation of Subject Officer Identification

In his CCRB testimony, § 87(2)(b) identified PO Staples by name, as the officer who grabbed and pulled him down the stairs and used force towards him (encl. 13-20). § 87(2)(b) described PO Staples as a white male standing 5'11" tall, with a medium build, dark haired with a patch of white towards the front of his head, and approximately twenty-five-years-old (encl. 13-20). Therefore, a force allegation is pled against PO Staples. Additionally, § 87(2)(b) alleged that after PO Staples pulled him down a set of stairs and tripped him (**Allegation A**), numerous unknown officers kicked him and punched him as he lay on the ground (**Allegation B and C**), and a single unknown officer smashed his face into the ground and into the wall of 149 East 118th Street (**Allegation D**). § 87(2)(b) was unable to provide specific descriptions for any of these officers.

A force allegation (**Allegation B**) has been pled against PO Reyes, as PO Reyes acknowledged interacting with § 87(2)(b) and acknowledged punching § 87(2)(b) in his CCRB testimony. (encl. 58-60).

Over the course of the investigation, the CCRB interviewed a total of 14 officers who were identified via the roll call as assigned to posts adjacent to the incident, or vehicles which may have arrived at the scene. Out of the 14 officers interviewed, 7 of them (Sgt. Cambridge, PO Herrera, PO Reilly, PO Morency, PO Garcia, PO Lassen, and PO Wren) were not at the incident location and had no recollection of the incident. Of the remaining 7 officers, Capt. Azeez, PO Potero, PO Inoa and PO Taveras, acknowledged their presence at the incident location, denied engaging in the above allegations and denied seeing any other officer do so. PO Staples, PO Rivera, and PO Reyes provided the most detailed accounts of the incident. While PO Reyes acknowledged punching § 87(2)(b) (see **Findings and Recommendations for Allegation B**), § 87(2)(b) alleged that numerous unidentified officers engaged in physical force including punching him and kicking him. § 87(2)(b) also alleged a single unidentified officer smashed his face into the ground and wall of § 87(2)(b). Aside from PO Reyes, no other officers admitted to engaging in the physical force as alleged by § 87(2)(b) and did not witness any other officer do so. Moreover, since § 87(2)(b) could not provide physical descriptions of the officers because his hood was over his head and his face was covered by his hands and forearms, a photo array would not have been useful. In light of the above, these allegations have been pled against "Officers" and "an Officer" from the 25th Precinct (**Allegation C, Allegation D**).

Findings and Recommendations

Allegations not pleaded

- **Stop:** A stop is not pleaded against PO Gerard Staples and PO Jerry Rivera. In his CCRB testimony, PO Staples articulated he observed a large group of approximately twenty-five people, some with open containers of alcohol, and some smoking cigarettes and marijuana. According to PO Staples' CCRB testimony, no summonses were issued in regards to these

violations (encl. 32-46). All members of the large group were within the vicinity of § 87(2)(g) § 87(2)(b), including § 87(2)(b) who was seated on a step leading up to the door of § 87(2)(b) § 87(2)(b). PO Staples and PO Rivera ordered the crowd to disperse, at which point, only three to five civilians remained on the scene, including § 87(2)(b) § 87(2)(b) was approached by PO Staples and PO Rivera, and subsequently arrested for obstructing governmental administration, resisting arrest, and disorderly conduct; refusing to move on.

- **Property damage:** A property damage allegation is not pleaded against PO Gerard Staples, as it has been subsumed within the physical force allegation. In his CCRB interview, § 87(2)(b) § 87(2)(b) alleged the front pocket of his hooded sweatshirt was torn when PO Staples pulled him by his sweatshirt. Therefore the damage to the sweatshirt was not intentional, and was a result of the force used (encl. 13-20).

Allegation A – PO Gerard Staples used physical force against § 87(2)(b) § 87(2)(b)

It is undisputed that § 87(2)(b) § 87(2)(b) was on the ground at some point during this incident. What remains in dispute is whether or not PO Staples used the force as described by § 87(2)(b) § 87(2)(b) as well as the circumstances that led up to the alleged use of force.

In his CCRB testimony, § 87(2)(b) § 87(2)(b) alleged that after being asked to provide his identification multiple times, he stood up to remove his wallet from the back right pocket of his jeans. § 87(2)(b) § 87(2)(b) stood straight up, and did not turn or move his body. PO Staples stated “Come here” and grabbed § 87(2)(b) § 87(2)(b) by the inside of the front pocket on his hooded sweatshirt and pulled him down the stairs. PO Staples made no further statements before grabbing § 87(2)(b) § 87(2)(b) PO Staples placed his whole hand inside the pocket, except his thumb, which clasped the outside of the pocket in order to take a hold of § 87(2)(b) § 87(2)(b). The pocket ripped as PO Staples pulled § 87(2)(b) § 87(2)(b) down the stairs. § 87(2)(b) § 87(2)(b) did not do anything with his hands or body when he was grabbed, did not attempt to grab the railing as he was pulled down, or pull his weight back from PO Staples. When § 87(2)(b) § 87(2)(b) arrived at the bottom of the stairs, he stumbled, and PO Staples grabbed him by his waist so that he could keep his balance. PO Staples, facing § 87(2)(b) § 87(2)(b) then grabbed § 87(2)(b) § 87(2)(b) with both hands on his left arm and shoulder. § 87(2)(b) § 87(2)(b) later stated that PO Staples grabbed both of his arms with both of his hands. PO Staples then put his leg in front of § 87(2)(b) § 87(2)(b)s legs and twisted his own body, in order to turn § 87(2)(b) § 87(2)(b) in a nearly complete circle and trip him, causing § 87(2)(b) § 87(2)(b) to fall to the ground and land on his side. All of the actions from the initial grab until § 87(2)(b) § 87(2)(b) landed on the floor occurred immediately with no conversation in between (encl. 13-20).

§ 87(2)(b) § 87(2)(b)s account was partially corroborated by his friend, § 87(2)(b) § 87(2)(b). During his CCRB testimony, § 87(2)(b) § 87(2)(b) alleged that he saw PO Staples grab § 87(2)(b) § 87(2)(b) by the front pocket of his sweatshirt, and drag him down the stairs. § 87(2)(b) § 87(2)(b) went straight to the ground, and landed on his stomach. PO Staples appeared to struggle with § 87(2)(b) § 87(2)(b) in an attempt to handcuff him. § 87(2)(b) § 87(2)(b) moved his arm in an attempt to keep it flush with his back, and to prevent it from being moved up past his shoulder. PO Staples was on top of § 87(2)(b) § 87(2)(b) with one knee against § 87(2)(b) § 87(2)(b)s back. § 87(2)(b) § 87(2)(b) appeared to be perfectly still (encl. 21-27).

In his CCRB testimony, PO Staples testified that he observed a crowd of approximately 25 people, and members of the crowd were drinking alcohol and smoking marijuana. Members of the crowd were on both sides of the street, on the sidewalk, and walking in the street itself. All members of this large crowd, including § 87(2)(b) § 87(2)(b) were in the vicinity of the front of § 87(2)(b) § 87(2)(b) § 87(2)(b) was seated on the bottom of the steps leading up to the door of § 87(2)(b) § 87(2)(b). PO Staples and PO Rivera had instructed the crowd to disperse. The crowd

did begin to disperse, at which point, PO Staples focused his attention on § 87(2)(b). There was no particular feature of § 87(2)(b) which drew PO Staples' attention, and PO Staples stated only that he fixed his attention on one of the members of the group. At this time, only 3 to 5 civilians, including § 87(2)(b), remained on the scene out of the original 25. PO Staples instructed § 87(2)(b) to leave, which § 87(2)(b) refused. Additionally, PO Staples requested for § 87(2)(b) to provide his identification, and § 87(2)(b) refused. § 87(2)(b) was standing at this time. After PO Staples issued these commands to § 87(2)(b), he attempted to place § 87(2)(b) under arrest for failure to disperse and refusal to show identification by grabbing him on the upper stomach area of the shirt to "detain" him. § 87(2)(b) began resisting by pulling away from PO Staples and flailing his arms and fists at him. At this time, additional officers began to arrive on the scene, and § 87(2)(b) was taken to the ground by an unknown officer (encl. 32-46).

In his CCRB testimony, PO Staples partner, PO Rivera, testified that while PO Staples interacted with § 87(2)(b), PO Rivera had his back turned to them as he addressed other individuals. PO Rivera could not state specifically where PO Staples and § 87(2)(b) were in front of 149 East 118th Street, but denied seeing § 87(2)(b) sitting on the steps. At some point, PO Rivera heard a scuffle behind him, and turned around to witness PO Staples "wrestling" with § 87(2)(b). Later in his interview, PO Rivera could not recall specifically at what point his attention was drawn to § 87(2)(b) and PO Staples, but believed he either turned around and saw § 87(2)(b) throw his hands up and tell PO Staples, "I'm not giving you I.D." or that he had turned around after hearing PO Staples tell § 87(2)(b) "Give me your I.D." After PO Staples attempted to grab § 87(2)(b) by one of his arms, PO Rivera ran over to assist. As he approached, § 87(2)(b) backed away from PO Staples and § 87(2)(b) pushed away with palm-out pushing motions. When PO Rivera arrived at their location, he grabbed § 87(2)(b) by his arms, and he fell to the ground with PO Staples and § 87(2)(b). PO Rivera noted his foot may have gotten caught, but he was unable to otherwise determine what caused him to fall. Additionally, PO Rivera denied taking any specific actions to cause § 87(2)(b) to fall, and did not recall PO Staples doing so (encl. 47-55).

According to § 87(2)(b)'s arrest report, force was not used (encl. 39). However, § 87(2)(b)'s arrest photograph shows a fresh red contusion to the far left side of his forehead, and right temple, along with a faded purple and yellow contusion approximately 1 inch below the contusion to the right temple. There are no additional injuries visible in § 87(2)(b)'s arrest photograph (encl. 114).

According to § 87(2)(b)'s medical records, in the early morning hours of § 87(2)(b), he was taken to § 87(2)(b) in police custody (see Privileged Medical Records folder encl. 1-12). § 87(2)(b) was noted as having abrasions to his face and lip, and a tooth fracture approximately 50% of the way through his right front tooth. § 87(2)(b) was medically cleared and released back into police custody. At approximately § 87(2)(b), on § 87(2)(b), § 87(2)(b) sought medical treatment on his own at § 87(2)(b) (see Privileged Medical Records encl. 14-47). § 87(2)(b)'s injuries were consistent with those diagnosed at § 87(2)(b), including his broken right front tooth. In a social worker assessment, § 87(2)(b) stated he sustained his injuries in an altercation with police. § 87(2)(b) was discharged to his home. On § 87(2)(b), § 87(2)(b) visited his private dentist § 87(2)(b) (see Privileged Medical Records folder encl. 49-§ 87(2)(b)). § 87(2)(b) observed that § 87(2)(b) had a fractured right front tooth, which § 87(2)(b) stated was sustained in an assault by police officers. In his CCRB statement, § 87(2)(b) attributed the injury to his tooth

not to the alleged force by PO Staples, but to the alleged force of an unidentified officer who hit him against the ground of § 87(2)(b) (Allegation D).

Though it is undisputed that § 87(2)(b) was on the ground, given the discrepancies in the above testimonies, it is uncertain how § 87(2)(b) got to the ground. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation B – PO Humberto Reyes used physical force against § 87(2)(b)

It is undisputed that PO Reyes used physical force against § 87(2)(b)

In his CCRB testimony, § 87(2)(b) alleged that after he had landed on his side on the ground, he felt multiple kicks and punches to his face and stomach. § 87(2)(b)'s hood was over his head when he landed, and he shielded his face with his hands and forearms. § 87(2)(b) did not do anything else with his body on the ground. § 87(2)(b) saw more than two feet, from which he inferred that multiple officers participated in punching and kicking him. § 87(2)(b) was punched approximately seven to eight times in the face. § 87(2)(b) alleged he was also kicked in the back of the head, in his shoulders, in his stomach, and in his ribs. § 87(2)(b) approximated he was kicked in the stomach seven times. The officers subsequently handcuffed § 87(2)(b) and allegedly continued to kick and punch him after he was handcuffed. However, since § 87(2)(b)'s face was covered, he was unable to see these officers (encl. 13-20).

In his CCRB testimony, § 87(2)(b) alleged that he saw § 87(2)(b) surrounded by officers, who appeared to be punching and kicking him. § 87(2)(b) however, was unable to see clearly. § 87(2)(b) appeared to be still, but despite this, five to six officers seemed to struggle to control him. § 87(2)(b) stated he saw officers kicking § 87(2)(b) but could not see their hands. § 87(2)(b) did observe a foot intentionally kick § 87(2)(b) but he was unsure whose it was being that officer's back was to him. § 87(2)(b) was lifted off the ground by approximately five to six officers. At this time, § 87(2)(b)'s face was bloody. § 87(2)(b) observed an officer known to the CCRB as PO Staples place § 87(2)(b) against the wall of § 87(2)(b), leaving blood from § 87(2)(b)'s face on the wall (encl. 21-27).

In his CCRB testimony, PO Reyes stated he assisted PO Staples in bringing § 87(2)(b) to the ground by pulling downwards on § 87(2)(b)'s arms. While on the ground, § 87(2)(b) refused to put his arms behind his back, and wiggled his shoulders back and forth. As a result of § 87(2)(b)'s continued resistance on the ground and PO Reyes' inability to put § 87(2)(b)'s hands behind his back, PO Reyes struck § 87(2)(b) approximately three or four times between his rib area and shoulder. PO Reyes first struck § 87(2)(b) twice, and was then able to handcuff his right arm. At this time, § 87(2)(b) rolled over onto PO Reyes' hand, which had gone underneath § 87(2)(b)'s side. PO Reyes then struck § 87(2)(b) two additional times since § 87(2)(b) had rolled onto PO Reyes' hand, and an unidentified officer secured § 87(2)(b)'s left hand. PO Reyes and an unidentified officer were the sole officers

struggling with § 87(2)(b) at this time. PO Reyes did not strike § 87(2)(b) with his foot, and denied seeing any other officer do so (encl. 56-60).

Though PO Reyes acknowledgement of punching § 87(2)(b) between his rib and shoulder area in order to gain compliance with handcuffing could possibly have been exonerable in the circumstances PO Reyes described, § 87(2)(b) and § 87(2)(b) provided conflicting testimony. In his CCRB interview, § 87(2)(b) was adamant that he was not resistant, and § 87(2)(b) corroborated his account. Additionally, in his CCRB testimony, PO Staples stated he did not witness § 87(2)(b) get taken to the ground, as once the takedown occurred, a large crowd had gathered and he focused his attention on crowd control functions (encl. 32-46). Similarly, PO Rivera noted that additional officers had arrived to detain § 87(2)(b) but he did not witness any of their actions because he went to pursue an additional individual who had been part of the original group (encl. 47-55).

As explained in Allegation A, § 87(2)(b) was taken to § 87(2)(b) in police custody on § 87(2)(b) (see Privileged Medical Records folder encl. 1-12). § 87(2)(b) was noted as having abrasions to his face and lip, and a fracture to his right front tooth. § 87(2)(b) was medically cleared and released back into police custody. After his release on § 87(2)(b), § 87(2)(b) sought medical treatment on his own at § 87(2)(b) (see Privileged Medical Records encl. 14-47). § 87(2)(b)'s injuries were consistent with those diagnosed at § 87(2)(b). In a social worker assessment, § 87(2)(b) stated he sustained his injuries in an altercation with police. § 87(2)(b) was discharged to his home. On § 87(2)(b), § 87(2)(b) visited his private dentist, § 87(2)(b) (see Privileged Medical Records folder encl. 49-60). § 87(2)(b) presented a fractured right front tooth, which he stated was sustained in an assault by police officers. As explained previously, § 87(2)(b)'s arrest report does not list that force was used and § 87(2)(b)'s arrest photograph shows a fresh red contusion to the far left side of his forehead, and right temple (encl. 39, encl. 114).

None of § 87(2)(b)'s medical records document extensive injuries to his body, as would be expected given that § 87(2)(b) alleged numerous officers participated in kicking and punching him multiple times (see Privileged Medical Records folder). Aside from his tooth, § 87(2)(b) complained of shoulder pain at § 87(2)(b) and § 87(2)(b) (see Privileged Medical Records folder encl. 1-47). Aside from § 87(2)(b)'s complaints of shoulder pain, there are no photographs or medical records which document any injury to § 87(2)(b)'s body.

§ 87(2)(b)
§ 87(2)(b)
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§ 87(2)(b)
§ 87(2)(b)

Allegation C – Officers used physical force against § 87(2)(b)

§ 87(2)(g)

As noted above, § 87(2)(b) alleged that numerous unidentified officers whom he could not describe encircled him on the ground and participated in punching and kicking him (encl. 13–20). § 87(2)(b)'s account was partially corroborated by § 87(2)(b) who alleged he saw § 87(2)(b) surrounded by officers, who appeared to be punching and kicking him. § 87(2)(b) was

unable to see clearly because these officers had their backs towards him, and was unable to provide physical descriptions (encl. 21–27).

As expounded upon in Allegation A and Allegation B, § 87(2)(b)'s medical records document abrasions to his face and lip, shoulder pain, and a tooth fracture (see Privileged Medical Records folder). § 87(2)(b)'s arrest report does not list that force was used (encl. 39) and § 87(2)(b)'s arrest photograph shows fresh contusions (encl. 114). Additionally, § 87(2)(b)'s mother, § 87(2)(b) provided a photograph of blood, allegedly from § 87(2)(b)'s mouth, located on the exterior wall of § 87(2)(b) taken on the date of the incident (encl. 17). Investigator Guinan conducted fieldwork at § 87(2)(b) on November 14, 2013, and took photographs of the same bloody wall (encl. 29-30). None of § 87(2)(b)'s medical records document extensive injuries to his body, as would be expected given that § 87(2)(b) alleged numerous officers participated in kicking and punching him multiple times (see Privileged Medical Records folder). Aside from § 87(2)(b)'s complaints of shoulder pain, there are no photographs or medical records which document any injury to § 87(2)(b)'s body.

§ 87(2)(g)

Allegation D – An officer hit § 87(2)(b) against the ground and wall of 149 East 118th Street in Manhattan.

§ 87(2)(g)

In his CCRB testimony, § 87(2)(b) alleged that after he was punched and kicked on the ground by numerous unidentified officers, a single unidentified officer then lifted § 87(2)(b)'s head up off the ground by the back of his hood, bending § 87(2)(b)'s head and torso upwards, while his stomach and legs remained flat on the ground. The officer then gripped the back of § 87(2)(b)'s head, and pushed it back into the ground. § 87(2)(b)'s face was toward the ground, and he was unable to see the officer who pushed him down. After the impact, § 87(2)(b) placed his tongue against the back of his teeth, and felt his right front tooth was missing. Immediately after § 87(2)(b)'s face was pushed into the ground, the unidentified officer lifted him off the ground into a standing position, and forcefully pushed his face into the wall of § 87(2)(b) (encl. 13-20).

In § 87(2)(b)'s CCRB testimony, after observing numerous officers punch and kick § 87(2)(b) he heard § 87(2)(b) yell, “I think they knocked out my tooth, can you all look for it?” Additionally, § 87(2)(b) described that approximately one minute after the officers surrounded § 87(2)(b) five to six officers lifted him off the ground. § 87(2)(b)'s face was bloody at this time, though § 87(2)(b) did not observe any injuries to § 87(2)(b) at this time. PO Staples placed § 87(2)(b) against the wall of § 87(2)(b), leaving blood from § 87(2)(b)'s face on the wall where he stood. § 87(2)(b) stated § 87(2)(b) incurred an injury to his tooth, though he was unsure how this occurred, however, § 87(2)(b) later

informed § 87(2)(b) that officers had pushed his face into the concrete. § 87(2)(b) was unable to see this because of the number of officers surrounding § 87(2)(b) (encl. 21-27).

As previously noted, § 87(2)(b) medical records from § 87(2)(b), § 87(2)(b), and his personal dentist, § 87(2)(b), consistently document his broken right front tooth (see Privileged Medical Records folder). § 87(2)(b) medical records also indicate that he had visited § 87(2)(b) in 2007, because one of his two front teeth was slightly twisted, displaced, and loose after a basketball injury. It was not specified as to whether this was § 87(2)(b)'s left front tooth or right front tooth (see Privileged Medical Records folder encl. 50).

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date